



# UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,568	03/17/2004	Aloys Wobben	970054.407USC1	3500
500	7590	04/13/2005	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			EDGAR, RICHARD A	
701 FIFTH AVE			ART UNIT	
SUITE 6300			PAPER NUMBER	
SEATTLE, WA 98104-7092			3745	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/802,568

**Applicant(s)**

WOBBEN, ALOYS

**Examiner**

Richard Edgar

**Art Unit**

3745

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/17/2004 under 37 C.F.R. §1.53(b).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☒ Certified copies of the priority documents have been received in Application No. 09/857,925.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/17/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

***Specification***

The use of the trademark TEFLON has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8-12 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

One having ordinary skill in the art cannot determine the geometry of shark-skin-like. Occasionally, the geometry of shark-fin is used to describe a triangular-shaped element, but shark-skin appears to be something different, not explained in the specification clear enough for one having ordinary skill in the art the ability to make the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the wind power installation" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

The term "softer" in claim 7 is a relative term which renders the claim indefinite. The term "soft" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. No hardness values or explanation was found in the disclosure.

The terms "shark-skin-like" (claims 8-12 and 16) and "TEFLON-like" (i.e. polytetrafluoroethylene (PTFE)-like; claims 13-14) are not definite. One cannot determine a boundary between shark-skin-like and shark-skin, similarly one cannot determine when something is PTFE-like or non-PTFE-like.

Claim 10 utilizes an equation to specify an undimensionalized spacing (i.e. 12 and 22). Even if no units are remaining in the equation after solving, the undimensionalized result does not particular claim subject matter.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by International Patent Application WO 94/09074 (Smirnov et al. hereinafter).

Smirnov et al. disclose a water-repellant structure applied on a wind power installation member, including the tower structure (See page 11, lines 5-6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, as far as they are enabled, are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,133,516 (Marentic et al.) in view of International Patent Application WO 94/09074 (Smirnov et al. hereinafter).

Marentic et al. teach a surface for an aerodynamic structure, including a blade for a wind turbine (col. 1, line 30), that has a shape for improving the drag effects on said surface. Namely, the surface comprises a plurality of projections 20 which provide unevenness and irregularity on the surface. The projections are spaced from each other in a range of between 20  $\mu\text{m}$  and 380  $\mu\text{m}$  (col. 6, lines 6-8) and the height of the projections are between 20  $\mu\text{m}$  and 380  $\mu\text{m}$  (col. 5, line 67 through col. 6, line 1). With sufficient force, the projections are deformable in any direction. The projections are

Art Unit: 3745

wedge-shaped with a 15° to 140° taper (col. 6, lines 11-14). The projections extend in the flow direction

The Marentic et al. reference does not teach a water-repellant coating.

Smirnov et al. disclose a water-repellant structure applied on a wind power installation member wherein the painted coating (page 9, lines 5-6) is applied to a surface which is not smooth (page 4, lines 5-14). The coating comprises a hydrophobic powder (page 3, line 24). The coating of Smirnov et al. is applied to surfaces for the purpose of imparting water-repellant, anti-fouling, anti-icing, anti-corrosive and anti-friction properties to the surface.

Since Marentic et al. teach a wind turbine blade with improved surface features, which are exposed to water, ice and corrosive elements, and Smirnov et al. teach to coat wind turbines with a water-repellant coating, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to coat the Marentic et al. blade with the hydrophobic Smirnov et al. modifier for the purpose of imparting water-repellant, anti-fouling, anti-icing, anti-corrosive and anti-friction properties to the rotor blade.

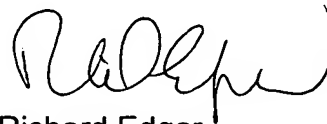
#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Edgar whose telephone number is (571) 272-4816. The examiner can normally be reached on Mon.-Thur. and alternate Fri., 7 am- 5 pm EST.

Art Unit: 3745

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Edgar  
Examiner  
Art Unit 3745

RE



EDWARD K. LOOK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

4/8/05